

### **REMARKS**

Claims 1-170 were previously pending in the application. Claims 1-156 are cancelled without prejudice or disclaimer by this paper. Claims 171-190 have been added. As per the Office Communication mailed 3/23/2010, previously added claims 171-286 were not entered. Claims 157-170 are hereby amended. Applicant submits that the claim amendments herein and the new claims 171-190 are supported throughout the originally filed specification and that no new matter has been added by way of these amendments. Applicant explicitly reserves the right to add/pursue the claims as originally filed at a later date and/or in one or more continuation or divisional applications. Applicant respectfully requests reconsideration of the instant application and specifically pending claims 157-190 in view of the following remarks.

#### **Claim Rejections - 35 U.S.C. § 101**

The Office Action rejected claims 134-140 and 155-170 under 35 U.S.C. § 101. Claims 134-140 are cancelled herein. Claims 157-170 have been amended to conform with 35 U.S.C. § 101 and the newly added claims 171-190 have been drafted to conform with 35 U.S.C. § 101 as well. All pending claims are method claims that are now tied to a particular machine or apparatus. Claim 157 now recites: “[a] method implemented by a computer server system programmed for operating a collaborative support system...” Accordingly, Applicant submits that the pending claims recite statutory subject matter in accordance with 35 U.S.C. § 101. Accordingly, Applicant respectfully requests the Examiner to withdraw all claim rejections under 35 U.S.C. § 101.

#### **Claim Objections**

The Office Action, section 5, objected to Claims 156, 158, and 162-165 for failing to further limit the subject matter of a previous claim. Claim 156 has been cancelled without prejudice or

disclaimer. Claim 158 has been redrafted to recite an additional element and the verb “considering” has been changed to “using” to further clarify the claimed elements. Claims 162-165 depend on Claim 158, and where needed have additionally been amended to be consistent with amended Claim 158. Accordingly, Applicant respectfully requests the Examiner to withdraw all objections.

**Claim Rejections - 35 U.S.C. § 112**

The Office Action rejected claims 155-156 and 157-170 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 155-156 have been cancelled without prejudice or disclaimer and claims 157-170 have been amended to overcome this rejection. Applicant has amended claims 157-170 to further clarify the claimed elements and to overcome the rejections under 35 U.S.C. § 112. Applicant submits amended claim 157 has also been clarified to recite the method actions are performed by computer server system, and thus, tied to a particular machine or apparatus. Additionally, Applicant submits the issue with “filtered viewing” has been resolved in the amended claim. Claim 157 now recites:

**the computer server system filtering the posted items, wherein the filtering selects a subset of the posted items to be viewed by a particular user of the system by taking into account the first and third rating data entries; and**

**the computer server system providing filtered viewing of the selected subset of the posted items to the particular user.**

Accordingly, Applicant respectfully requests the Examiner to withdraw all claim rejections under 35 U.S.C. § 112.

**Claim Rejections - 35 U.S.C. § 102(e) and 35 U.S.C. § 103**

The Office Action rejected claims 134-140 under 35 U.S.C. § 102(e) as being unpatentable over Gabrick et al (US 2004/0073443) (hereinafter “(Gabrick”). The Office Action also rejected Claims 155-170 under 35 U.S.C. § 103 as being unpatentable over Gabrick. Claims 134-140, and 155-156 have been cancelled without prejudice or disclaimer. Applicant respectfully traverses the points of rejection with regard to these cancelled claims, which are rendered moot by their cancellation, but reserves the right to argue those points and/or pursue the claims related to the subject matter from claims 134-140 and 155-156 should that become relevant in the future.

As to claims 157-190, Applicant respectfully submits that the amended claims are patentably distinct from the cited references identified in the above prior art rejections. Specifically, Applicant submits as per claim 157, Gabrick fails to discuss or render obvious:

the computer server system **receiving from a third subset of the plurality of users second rating data entries rating the first rating data entries;**

the computer server system **deriving third rating data entries rating respective ones of the plurality of users based at least in part on a plurality of the second rating data entries;**

the computer server system **filtering the posted items, wherein the filtering selects a subset of the posted items to be viewed by a particular user of the system by taking into account the first and third rating data entries; and**

the computer server system providing filtered viewing of the selected subset of the posted items to the particular user.

Applicant submits that none of these actions are discussed or rendered obvious by Gabrick. First, Gabrick has no concept of “the computer server system **receiving from a third subset of the plurality of users second rating data entries rating the first rating data entries.**” Second, Gabrick has no concept of “the computer server system deriving **third rating data entries rating respective ones of the plurality of users** based at least in part on a plurality

of the second rating data entries.” Third, Gabrick has no concept of “the computer server system **filtering the posted items, wherein the filtering selects a subset of the posted items to be viewed by a particular user of the system by taking into account the first and third rating data entries.**”

Applicant submits that Gabrick contemplated simple averaging of all (first) ratings received from participants. However, Gabrick did not teach or suggest the above recited “second rating data entries” as claimed received from participants. Although Gabrick provides for weighting of (first) ratings components, as the Examiner points out with citations to Gabrick’s paragraphs [0199, 0541-0549], Gabrick’s weightings are based on pre-determined importance levels of question responses that make up a Question Set. For example, all question responses relating to rating “Marketing” factors can be ascribed 30% of a total rating score, while all question responses relating to rating “Technical” factors can be ascribed 70% of a total rating score. Gabrick’s weighting is within a Question Set for each participant and applied uniformly to every participant submission relating to a given Innovation Type for all (first) ratings at the time the questions are created, and the “first rating data entries” themselves are never rated and thus not the claimed “second rating data entries.” Instead Gabrick’s system implements merely component-weighted ratings, based on these predetermined weightings, to derive a composite rating score for each set of responses to each Question Set. That is, the Gabrick’s responses to the Question Set and the pre-determined weighting of the responses together provide “the first rating data entries” corresponding to *each user*.”

Gabrick’s paragraphs [0968-0999] explain how Question Sets are prepared and how weightings can be determined at the time the questions are formulated and how the questions should be weighted in importance in deriving a composite evaluation from each participant based upon the answers to these questions. *Also see* “Administrator Functions” (heading above

[0946]), where Gabrick specifically explains the process of creating Question Sets containing Analysis Factors in which “Each Analysis Factor has a percentage weight” [0969]. These weights are pre-set by administrators [0985, 0996] for a given “Innovation Type” [0999], “for example, one set of ratings might be used for healthcare ideas/innovations whereas another might be used for semiconductor innovations” [0198].

That is, Gabrick receives “first rating data entries” in the form of question responses and generates a corresponding respective “rating” based upon a predetermined weighting of the question responses supplied in each of the “first rating data entries.” This same weighting of the question responses is uniformly applied to the responses provided by each participant. These weightings do not constitute “second rating data entries rating the first rating data entries” (corresponding to ratings of ratings), as claimed, and further these weightings are uniformly applied with respect to entire classes of items, and not made with regard to “first rating data entries corresponding to one or more of the posted items”, as claimed, much less “based at least in part on ... second rating data entries rating the first rating data entries” “from... users.” Certainly, Gabrick does not teach or suggest all of the method actions provided in this section hereinabove:

For the reasons discussed above, Applicant respectfully submits that the amended and new claims submitted herein for examination overcome all the Examiner’s rejections over 35 U.S.C. § 102(e) and 35 U.S.C. § 103 with respect to the herein-newly-added, amended, or previously-pending claims.

#### **Request For Allowance**

As indicated in the sections above, all of the claims submitted herein overcome all of the Examiner’s objections and rejections under over 35 U.S.C. § 101, 35 U.S.C. § 112, and 35

U.S.C. § 102(e) and 35 U.S.C. § 103. Therefore Applicant respectfully submits that all pending claims presented herein are in condition for allowance. Applicant hereby requests the Examiner to issue a Notice of Allowance at the earliest possible time.

### CONCLUSION

Applicant believes that the above remarks, which distinguish the claims over the cited reference(s), pertain only to noted claim element portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements and/or bases for rejection were not discussed as they have been rendered moot based on the above amendments and/or remarks, Applicant asserts that all such remaining and not discussed claim elements and/or bases for rejection, serve to further distinguish the claims over the prior art and Applicant hereby reserves the opportunity to more particularly traverse, remark and distinguish over any and all prior art on the basis of any such remaining claim elements and/or traverse any additional bases for rejection at a later time, should it become necessary. Further, with respect to any remarks that were made in response to an Office Action objection and/or rejection as to any one claim element, and which may have been re-asserted as applying to another Office Action objection and/or rejection as to any other claim element(s), any such re-assertion of remarks is not meant to imply that there is commonality about the structure, functionality, means, operation, and/or scope of any of the claim elements, and no such commonality is admitted as a consequence of any such re-assertion of remarks. As such, Applicant does not concede that any claim elements have been anticipated and/or rendered obvious by any of the cited reference(s). Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection(s) and/or objection(s), and allowance of all of pending claims as presented herein.

**Authorization**

Applicant hereby authorizes and requests that the Commissioner charge any additional fees that may be required for consideration of this and/or any accompanying and/or necessary papers to Deposit Account No. 03-1240, Order No. 17245-009. In the event that an extension of time is required (or which may be required in addition to that requested in a petition for an extension of time), Applicant requests that the Commissioner grant a petition for an extension of time required to make this response timely, and, Applicant hereby authorizes and requests that the Commissioner charge any fee or credit any overpayment for such an extension of time to Deposit Account No. 03-1240, Order No. 17245-009.

In the event that a telephone conference would facilitate examination of the application in any way, Applicant invites the Examiner to contact the undersigned at the number provided.

Respectfully submitted,  
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